



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Christian Wienands
Michael Unglaub

Serial No. 09/893,913

Filed: June 28, 2001

For: Process and Device for the
Placement and Fixing of a
Sheet of Filaments for the
Production of Scrims.

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RESPONSE TO RESTRICTION REQUIREMENT WITH TRAVERSE

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22312-1450

The applicant respectfully traverses the restriction requirement set forth by the examiner in the Office Action dated September 24, 2003.

The learned examiner stated that the process as claimed could be practiced by another and materially different apparatus such as an apparatus that employs a weft carriage between two rows of needs moving forward via conveyor bands as oppose to conveyor chains and holding means as claimed in Invention II. It is respectfully submitted that the present invention as defined in either the method or apparatus claims would not be performed with a weft carriage or the like as asserted by the examiner. In all of the claims, a filament sheet with two end regions with fixing elements attached to each end region (see claim 1) or filament sheet sections having ends held by fixing elements at a preset interval (see claim 11). These predefined sheets are transported and positioned onto the spaced apart conveyor units in both sets of claims, for subsequent supply to a connecting station, such that the sheets are presented as an essentially flat surface. Thus, in both sets of claims discrete filament sheets are required and the process as claimed would not be amenable to a "weft carriage" in the conventional sense. Both sets of


claims contemplate the use of needles as holding means with the fixing elements engaging the holding means to tension the sheet.

Accordingly, the differentiation between the process and apparatus as claimed is not as great as the learned examiner asserts, and indeed the applicant asserts that the invention is properly claimed in both the method format and the apparatus format in as much as the invention is subject to the same limitations concerning the formation of the sheet with the fixing elements at each end and the fixing elements engaging the conveyor for proper alignment of the sheets.

Therefore, applicant respectfully requests that the restriction requirement be withdrawn. Should the learned examiner determine that the restriction requirement is proper then applicant elects to proceed with the apparatus claims without prejudice to file a divisional application drawn to the method claims.

A petition and fee for a one month extension under 37 CFR 1.136(a) is included.

Respectfully Submitted,



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